

# **Voters First Advisory Commission**

## **Public Hearing Minutes**

**Monday, June 18, 2007**

**CCRI –Prov. Campus, Atrium Auditorium – Providence, RI**

### **Commission Members Present:**

**Secretary of State A. Ralph Mollis**

**Senator Juan Pichardo**

**Senator June Gibbs**

**Representative Jon Brien**

**Representative Joseph Almeida**

**Sue Stenhouse, Governor's Deputy Director of Community Relations**

**Ken McGill, Pawtucket Board of Canvassers**

**Bob Kando, Director, RI Board of Elections**

**Jan Ruggiero, Director, Secretary of State's Elections Division**

**Roger Harris, RI Vote Project**

### **Staff Members Present:**

**Paul Caranci, Deputy Secretary of State**

**Mark Welch, Esq.**

**Pam Lombardi, Administrative Assistant**

**Chris Barnett, Communications Director**

**Bob Graziano**

**Rob Rock**

**Michael Narducci**

**Johanna Petrarca**

## **General Public Present:**

**45 public members in attendance**

## **Summary of Hearing:**

**Chairman Mollis opened the hearing with an explanation of the purpose of the hearing, an explanation of the 10-point reform program, an introduction of the Commissioners, notice of the other 4 hearing dates and locations and an explanation of how to reach the Commission with comments.**

**In addition, Chairman Mollis provided the rules of the hearing in English while Johanna Petrarca provided them in Spanish.**

**Finally, Chairman Mollis introduced Senator Harold Metts, Rep. Grace Diaz, Rep. Anastasia Williams and Providence Councilman Miguel Luna, all of whom attended the hearing.**

## **Tom Riley – East Providence Board of Canvassers**

**• Extend statute of limitations from 12 to 60 months for elections fraud so that guilty people can't escape prosecution because of the time needed to build a case. AG had one case of 15 dismissed in EP because he filed 2 days after the statute expires.**

## **Greg Gerritt –**

**• Need people from 3rd parties represented on the Commission.**  
**• Election day should be a holiday and everyone should vote on the**

**same day.**

- Eliminate straight party voting.**
- Photo ID is not the answer, should identify voters by marking their thumbs with purple dye to indicate that they have already voted.**
- 50 ft. rule should apply**
- Poll workers should have better training, better compensation**
- Would like to see no excuse absentee voting**
- Open polls from 5:00 A.M. to Midnight.**
- Cleanup electoral system in terms of registration process. Favors no registration.**
- Give everyone an opportunity to vote**

**Members of the Commission, Rep. Almeida, Sue Stenhouse reacted to remarks made by Mr. Geritt re: “non partisan” parties being on the commission explaining that members were never asked who or what parties they were affiliated with and therefore, the Commission is represented by a non -partisan group of individuals.**

**Roger Harris stated that he was not on the committee for political reasons but as an interested party from the Governor’s Commission on Disabilities showed up at the original Press Conference and was invited to be on the Commission by Secretary Mollis.**

**Sabina Matos – RI Latino Political Action Committee**

- Was a candidate for Providence City Council and witnessed many voting irregularities.**
- Voter rolls need to be cleaned up**

- Don't make Election Day a holiday because people will go away for extended vacation and not vote at all.
- Illegal residents have no voice

**Elaina Goldstein –**

- Was a candidate for office and witnessed much inappropriateness during the campaign. Voter fraud is a critical issue.
- Common Cause & others do not believe there is voter fraud going on, but there is.
- Everyone should be able to vote, but just once.
- Voter rolls need to be cleaned up. Too many people, particularly near Brown University are registered from addresses from which they don't live.
- People change voting locations. One woman voted provisional from one poll and then found her correct polling location and voted. She went back to original poll and tore up her provisional. Not everyone is so honest. Ripe for fraud.
- Supposed to provide proof when registering to vote, but it's not always checked.
- Very much in favor of photo ID. They have photo ID in Germany and in addition you must bring a card that is sent to you by mail to the poll. Also need ID in England.
- True democracy is to have a fair voting system. 1 person. 1 vote.

**Providence Councilman Miguel Luna –**

- He has witnessed people voting with Green Cards.

- Voting should be celebrated and a holiday.
- In Uruguay you have to vote to be eligible for a job. In Venezuela you need a photo ID. He supports a photo ID for voting in America.
- In his 2000 election he witnessed votes being cast in the name of dead people.
- In 2002 a person cast a vote who had been dead for 5 years. He suggested a coffee hour in the cemetery to urge the dead not to vote.
- 50' distance from a poll is fine to campaign, but the area should be marked.
- Some election equipment doesn't work. Should eliminate the machines and go back to written ballots.
- Compensation for poll workers should be increased. They also need food and proper bathroom breaks.
- He witnessed a person from Silver Lake voting in his Council district. The person admitted to never living in the district where he voted. He never filed a complaint because it is not worth it.

**Rep. Almeida-**

**Green card voter; could that have been an honest mistake?**

**Councilman Luna-**

- Must have higher standards re: Voter Fraud. Need to educate people.

**Rep. Grace Diaz –**

- Represents a diverse community. Hispanics do not understand

**English. The best way for them to understand is by distributing literature explaining voting process needs to be in English and Spanish. Some people mistakenly think they are eligible to vote because they misread the registration form.**

- Secretary of State should find a way to have a more orderly way to conduct elections and prevent incidents at the polls. Candidate's volunteers are getting in the way and intimidating voters.**

- DMV Registrations- non -citizens are checking off the box, indicating they would like to register to vote, not understanding they cannot if they are not citizens. More information should be available to the people for a better, cleaner process.**

**Frederika Athenas –**

- Member of the National Federation of the Blind.**

- Received CD from Secretary of State that was an excellent education tool and should be used to teach young people the voting process.**

- Many problems with the Automark machine and no one explained there were 2 ballots. Need better poll worker training.**

- She had to have assistance voting as a result and lost her right to privacy.**

- You don't need to be disabled to use the Automark machine.**

**Meghan Purvis – Policy Director for Ocean State Action**

- She works with infrequent voters.**

- Submitted written comments that will be distributed to Commissioners at the workshop.**

- Commission needs to listen to organizers who go into the community and bring back comments of those not normally involved.
- Photo ID is problematic. Some students have out of state licenses or may not have a utility bill with their address because the utility may be in a roommates name.
- The level of proof required sets barriers to voting according to a Rutger's study.
- There is a cost involved in photo ID even if it's just the time it takes to acquire one.
- Voter rolls should be cleaned up before photo ID is required. Solution needs to solve the problem.
- Refer to quotes from candidates involved in litigation from the ProJo article that she distributed.

#### **Kathy Santos – East Providence**

- It is still easy to vote fraudulently. Her daughter registered from school in Indiana but is still on the local voter list in RI.
- Most of Western Africa has voter ID requirement and we should have it here.
- There are too many instances of people registered from the wrong address and dead people voting.
- Extend statute of limitations for voter fraud.

#### **Rep. Anastasia Williams –**

- Speaking as a taxpayer, not an elected official.
- Needs to be uniform training of poll workers. Compensation should

**be fair.**

- Polls should be open from 6:00 A.M. until 7:00 P.M.**
- Photo ID is important. She and her daughters were victims of voter fraud.**

**Eugenia White –**

- Automark machine didn't work and she needed to bring her daughter to vote for her.**
- People came to this country for a better life, so they need to learn our standards and language.**
- Only citizens should be allowed to vote.**
- We have computers, we should be able to catch voter fraud.**
- Voting is a freedom. We shouldn't be forced to vote if we don't want to.**
- Not speaking the language is not an excuse. Learn the language, learn the rules.**

**Christopher Emery & Janice Musco –**

- Both people tried to vote, but the voting machine (presumably the Automark machine) wouldn't work. They tried to wait around and missed several rides. Eventually they had to leave the poll without benefit of voting.**



**Commissioner Bob Kando stated that a voter is allowed to have someone sign a form to assist them in the voting process or that a bipartisan pair would be provided to help them.**

**(8:30 PM Interpreter for the Hearing Impaired left the Hearing)**

**Jeff Toste – Independent**

- RI Senate candidate from District 5, 3rd party candidate.**
- As a member of the Green Party feels that straight party voting should be eliminated.**
- He beat both his opponents when counting ballots of people who voted by name, but lost when straight party ballots were counted.**

**Senator June Gibbs-**

**A non-binding referendum has been submitted regarding eliminating the straight party ticket. The Commission has voted unanimously to support the bill.**

**David Talan – Chair of the Republican Party in Providence**

- RI has second most difficult ballot rules only to New York. 50 to 100 signatures are required for ballot placement. This is hard to accomplish in inner city because many people don't come from where they vote and don't vote where they live. In six districts he couldn't get a candidate because of the number of names required. Should reduce the number of signatures required and extend the timeframe for which to get them.**

- Should allow party to appoint candidates to positions to which no one from the party has qualified.

### **Amy Vitale – ACLU**

- She had a difficult time getting in touch with the Commission. She sent an e-mail on Tuesday and had to call back on Friday for a response. Someone should monitor the e-mails to the Commission.
- Opposed to voter ID. Agrees with Ocean State Action. It disenfranchises the elderly and the poor, etc. The ProJo found only one possible instance of dead people voting.
- Favors voting booth privacy.
- Favors poll worker training.
- Favors no excuse absentee voting.
- Commission should look at the recount process and how provisional ballots are counted only in federal elections. At the very least, they should be counted in state races as well.
- We should be careful using the Indiana model of voter ID because Indiana counts provisional ballots. In RI they are not counted except in federal elections.

### **Kathleen Gudaitis – Johnston**

- Should not make voting easier. It's not hard now. There is help for the disabled.
- Should require proof of citizenship.
- People should have to make a sacrifice to vote.
- Favors photo ID.

**Bruno Tessori –**

- His wife Margaret was able to sign in at polls as Elaina and she was allowed to vote. Should develop some type of electronic fingerprinting like Disney World has. Volume of people Disney deals with in a day should signify how the State should be able to handle the volume of people who vote in one day.
- Require proof of citizenship when voting.

**Tish DiPrete – Urban League of RI Advocacy & Public Policy Director**

- Photo ID will disenfranchise people and make them afraid to vote.
- People are treated unfairly and being told they can't be citizens because they can't speak English.
- Supports Ocean State Action and ACLU's comments.

**Alex Moore –**

- Candidate for Providence City Council and coordinated ballot question 9 in Providence.
- Supports the issues on the 10-point agenda.
- Candidates or staffers should not be allowed to collect absentee ballots.
- Because of discrepancies in the number of people voting and the number of recorded votes, believes there is "ballot stuffing."
- All positions on the Board of Elections should be filled. He had a case that ended in a 2-2 tie.
- Restore voter confidence by supporting the Fair Elections

**legislation for public funding.**

**Senator Harold Metts –**

- His daughter has been in Detroit for 9 years and his son has been in Atlanta for 14 years and both are still on the local voting rolls. This needs to be cleaned up.**
- People are distrustful so the biggest problem is getting them to vote.**
- More education in urban area regarding civics. More should be done at the school curriculum level.**
- A section regarding Green Cards should be added to voter registration card to clarify rules regarding citizenship.**

**Fred Ordonez –**

- From Progreso Latino but is testifying as a citizen.**
- Election Day as a holiday should be added to the 10 point agenda.**
- More education for public on who can and can't vote.**
- The straight party ticket prevents people from learning about candidates for local office.**
- Questioned if there was a budget for this Commission.**

**Diane Ross, (Kevin & Joe) Northern RI**

- Works with people with developmental disabilities.**
- Voter registration form is easy. You must declare you're a citizen and 18 years of age.**
- They are currently available in English & Spanish. Should be in braille as well.**

- **Favors weekend voting**
- **RIPTA and RIDE should be free on election day to those going to the polls.**
- **Photo ID is a problem because of the cost.**
- **Should provide more adequate training and compensation for poll workers.**
- **Likes the concept of no-excuse absentee voting.**
- **Kevin believes there should be internet voting.**
- **Joe believes that polls being open from 7:00 A.M. to 9:00 P.M. is adequate.**

**Eric Siegal – CCRI Political Science Professor and Green Party Co-Chairman**

- **Straight party ticket is outdated. Only 16 states have it and trend is to eliminate it.**
- **There should be non-partisan control of elections. Having partisan poll workers is a conflict. Even poll worker training should have 3rd party oversight.**
- **Would like the public to have access to ballots after they have been counted and contested so that people may conduct research on voting trends or other election related issues.**

**Maryelyn Acevedo –**

- **Voting should be held on weekends.**
- **The election day should be split into 2 shifts for poll workers.**
- **Poll workers should be allowed to work outside of their own district.**

- Poll workers need better training and compensation.
- Photo ID is accepted in 3rd world countries and should be allowed here.
- Eliminate campaign workers from polling places or put them more than 50' away.
- Secretary of States Office should collect absentee ballots to prevent harassment.
- Only citizens should be allowed to vote.
- Candidates should have to live in a district for 6 months to a year before being eligible to run from that district.

**Chaz Walker – Works for health care and child care worker's Union 1199**

- Agrees with most of the platform.
- Concerned about photo ID. Will cost time if not money.
- Voting hours should be expanded.
- Allow poll workers to work in shifts.
- Most people admit to being non-citizens and don't vote. Tightening voter rolls will help with that problem.
- People should receive more education about the rules of who can vote.
- Opposes points 3 & 9.

**Chris Young –**

- The 10-points are not reflective of peoples' opinions.
- Provide minutes to these meetings? Who is taking the notes?

- **Voter fraud is a real issue. The ProJo sample was of a small group only. The evidence is that the Secretary of State and Board of Elections have different voter counts for last election.**
- **Photo ID is unconstitutional. Compromise is to take a photograph of everyone that votes.**
- **2 consecutive federal elections have passed and rolls have not yet been cleaned up. This is a violation and today he filed a complaint with the US Department of Justice. Would like the Secretary of State to join in.**
- **Would like a searchable file for campaign contributors, not just a PDF file.**
- **Wants change in state law to grant another election if fraud is found, not only when it can be proven fraud may have altered the outcome.**
- **UPC codes should be supervised by the State Police from the time the poll closes until they are returned to the Board of Canvassers. He filed a complaint when the Mayor of Providence sent someone to retrieve two bags that were left at the poll and he was denied the right to inspect the contents.**
- **When fighting voter fraud cases, attorneys should be compensated with federal funds.**
- **Media should be forced to provide equal coverage to all candidates.**
- **Highway billboards should be given equal access because they are on federal highways.**
- **Favors ballot viewing by the public.**
- **Absentee ballots should be under the control of the Secretary of State.**

- When a poll book is scanned, HAVA (Federal Law) requires (or should require?) that it go to the central voter registry.

Secretary Mollis reiterated the fact that the 10 point Agenda is about “Voters First” and the purpose of the hearings is to address any of the points on the agenda or listen to suggestions to be added to the agenda. The 10 pts. were not “picked” as Mr. Young suggested and the Commission is open to any items that the public would like to consider adding to it. The original agenda was actually less than 10 points.

**Terry Gorman – Rhode Islanders for Immigration Law**

- Citizens must be able to speak and read English to become a citizen, so there is no need to print ballots or requirements of voting in Spanish.

**Senator Pichardo will gather information for the next Public Hearing.**

Secretary Mollis asked if anyone who did not sign up to speak would like to address the commission at this time. The following people did not sign-up to speak, but were given the opportunity:

**Buddy George –**

- From South Providence which, he said, is the mail ballot capitol of Rhode Island. Called himself and expert in voter fraud.
- Felon voting should be on the 10-point agenda.



- Will not respect the Commission until officials begin to follow the law themselves.

**Tom Riley –**

- Spoke previously but wants to comment on some of the other testimony.

- When the new technology (bar code system) began, the numbered paper system was eliminated. Election problems now indicate that both systems should be used simultaneously. In East Providence, where he has been an election official since 1978, there were 104 more ballots cast than voters. Without the paper audit trail the discrepancy can't be found.

- Should have to bring the voter registration card to the polls so the signatures can be compared.

**Chairman Mollis gave closing remarks and adjourned the hearing at 10:00 P.M.**

**A Commission Workshop was scheduled for Tuesday, June 26, 2007 at 2:00 P.M. at the State House. The exact room will be determined based on availability.**

**The next Public Hearing will take place on July 9, 2007 @ 6:30 PM at the Middletown Town Hall, Council Chambers, 350 East Main Road.**

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## **ADDITIONAL ITEMS**

**Subject: Voter first**

**From: Greg Gerritt**

**Date: Tue, 19 Jun 2007 14:51:18-0400**

**To: , Jan Ruggerio , Mike Narducci , Roger Harris**

**CC: Greg Gerritt**

**I am writing this to add to my comments at the June 18 Voters First hearing in Providence. I would appreciate it if my comments were placed in the record for the Voters First Commission and forwarded to every member of the commission. I would appreciate it if the receipt of my comments was acknowledged and if I could be informed when these comments have been forwarded to the entire commission. I would also appreciate any responses to the substance of this statement. Greg Gerritt**

**Comments on the Voters First proposal. Greg Gerritt 6/19/07**

**In keeping with the request from the commission I kept my remarks at the public hearing very short, so I would like to expand upon some of them in this written document. But before focusing on the 10 proposals I would like to comment on my reception before the commission.**

**In his opening remarks Secretary of State Mollis remarked upon the bi partisan nature of the commission. My commenting that the bi**

partisan nature of the commission seriously disenfranchised a very large number of Rhode Islanders, was met by serious disbelief and rebuttal. But let the record show that there are more people in Rhode Island registered as neither a Democrat nor a Republican than are members of either of those parties, and that the bi partisan nature of the commission did leave them out. I should have anticipate the reaction, though I did not, as in this country it is as if the bi partisan nature of our system was written into the constitution. In reality the constitution never mentions political parties, though the Democrats and Republicans seem to have captured the public arena, to our everlasting dismay. Secretary Mollis was personifying a trait most common in Americans, a tunnel vision in which it is simply assumed that bipartisanship covers the entire spectrum of politics in America, when the reality is that in the spectrum of American politics the Dems and Reps are simply a small and violent sector of the political spectrum. (I will return to the violence later in my remarks)

Roger Harris, in his comments actually proved my point. Roger noted that he had to bust in and violate the rules to get named to the commission so that people with disabilities would be included. I applaud my friend Roger for his efforts and skill in being named, but it also ought to give us pause and make us think about who else was not included, and did not happen to be in a place to break into the process. If we are seriously looking at

the voting process why was the process not more inclusive from the start? I can provide a short and not very inclusive list of communities

in Rhode Island that could have been asked to serve. 15 minutes by the people initially involved could have come up with a much longer and more inclusive list of who else to ask to the table. The blinders of bi partisan ship are just that, blinders, and needed to be removed for the process to really reflect what is going on in Rhode Island. Just for examples, Homeless people have a hard time voting, and coming to hearings. Where is their representation? Where are the former felons who have just had their vote returned to them? They have special issues that ought to be addressed and need a seat at the table to do so. And the lack of representation for political groups outside the two party system is all too typical.

I have met and worked with many of the commission members, find them to be decent and caring people, and wish them luck in their efforts, but the holes in representation on the commission will damage its credibility and also taint its results.

As for the substance of the report: I look upon the commission as a body that should be seeking to increase voter turnout, make it easier to vote, make voting more inclusive, but the reality is that at least 4 of the 10 proposals placed in front of us will make it harder for marginalized people in our society to vote. The system of voter registration is a carry over from the days when it was used to make sure that only White Men of Property were allowed to vote. In that respect it may be irredeemable and it might be better to just through out the whole rotten thing rather than try to reform it. I did not sit through all of the testimony but I heard about people trying to prosecute voters, about dead people voting, about concerns about

what district people vote in. These concerns seem to be at the heart of the proposals from the commission as well as making it harder for people to register by requiring more identification and making the voter registration form longer and more intrusive.

The suggestion I offered at the hearing, that we do away with the entire registration system, seems to have been ignored by the commission, at least it seems it was not heard in the clamor to question me about bipartisanship. So let me repeat some of my thoughts. People who are already marginalized by the voting system, poor, young, homeless, etc are often only caught up in the politics and idea of voting at the last minute, days or weeks before the election. Many places around the country accommodate this late interest by allowing people to register to vote on Election day. I have lived in a state which allowed day of registration, and it worked just fine. The requirement that people register an entire month before the election really works to keep people from voting, and often so frustrates people that they never try again. The commission needs a serious proposal to handle the voting of people coming late to the process.

I find the issue of a photo id to be truly offensive to the spirit of inclusive democracy. In fact I find it an acquiescence to the police state we find ourselves in rather than standing strong for democracy. The federal government seems to think that it can continue to marginalize more and more people, and use that marginalization as a way to continue to keep the rich and powerful in an elite position. Photo ids are more and more a way to control the cash economy,

marginalizing the poor to a greater and greater extent. We use

photo ids as a way to prevent people from traveling. In a country built on go west young man, restricting travel to those with documents seems patently offensive and un-American. And our government works harder and harder to become the thought police, monitoring every conversation, trying to track and trace every transaction. But there are people who resist, and those who resist should not be marginalized, but rather they should be celebrated as true American heroes. Not carrying ID is a truly American thing to do. These folks are the last true patriots. They should be the ones we most want voting, not the ones shut out of the ballot box.

Right now most people use a drivers license as their photo ID, But what of those who do not drive? And what of those who resist the lure of the automobile as a way of standing with the planet against global warming. And those who understand the end of the age of petroleum and avoid car culture? Making them go to the DMV for a state id is offensive.

Y'all are a bit on track with the idea of opening the polls for longer hours. I suggest a national holiday with polls open from 6 AM to midnight so that everyone can get there. Maybe we need to shut down all businesses except for health and safety workers. If we can not get a voting day holiday, at least close the state except for safety and health workers and use state workers to run the polls. Pay them their normal days pay, but have them work at the polls, 8 hour shifts so no one starves, or has child care issues. They would be an easy

group to train, they are a captive audience for training as is.

I am opposed to early voting and a 4 day election. Part of this is the expense of keeping the polls open for 4 days, and part of it is that it makes the work of candidates that much harder, favoring the more well financed campaigns. (Note you can not separate the voting process from the political process, and there is much to improve in our political process that would then go hand in hand with efforts to increase voting, but that is for another day).

My last point is on the relationship between immigration and voting. Several of the speakers I heard, with one exception, noted that they were worried about non citizens voting. I would like to see every person in the community vote. No exceptions. It seems that this is tied up in some rather complicated issues, but I look at it simply. Nearly every one in the US without documents is here because of bad things the United States has done in their homeland. They are refugees from trade deals that undercut their livelihood or refugees from the violence the US has supported in their homelands (I said I would get back to the violence). This is actually why there is such a move to keep these people disenfranchised. If people who were displaced through US trade policy, or US propping up dictators or arming death squads were allowed to vote here, the US might not be following such evil policies and the corporate elite would be making less money.

I know this sounds strange and offbeat to many of you, but Juan Pichardo, tell us how many times the US has invaded the Dominican Republic? How many of the recent undocumented from Mexico and

**Central America came here because of NAFTA destroying the agricultural economy or because of the death squads we funded in Honduras and Guatemala? Where did the weapons come from used in all the recent**

**African wars. In the age of the Global War on Terrorism, it is subversive to mention blowback from places like Guantanamo, but the refugees we see are the result of US policies, and we ought to be as a community, welcoming, including them in the American Dream, rather than reinforcing the craziness that comes out of DC. If the refugees from American violence could vote, maybe the violence would stop, and that is one of the foremost reasons to quit worrying about who votes and invite everyone to the party.**

**My solution to the voter registration list dilemma is to abandon all voter registration lists, the system, based on only allowing White Men of Property to vote can never be fixed and should be abolished. Simply mark the finger of each person who votes so they can not vote again. If everyone knows they can vote only once, they will not vote in strange districts, they will vote at home. Politicians will have little incentive to bring in voters from away, or rather they will face the wrath of politicians who lose voters. And it will turn out to be a miniscule problem. Dead people can not vote if the only voters are those who show up. It would make the voting system easier and quicker, shorter lines on election day. Less paperwork. No worries about who is there. Get ballot, dye finger, vote, go home. And the colored fingers would be a real reminder to those who have not voted**



yet.

Voter First is an idea who's time has come. We need to do something to get everyone voting. Open up the process, bring everyone in. Too many of the initial proposals are designed to prevent voting. Please think long and hard about how to increase voting, not block those who are already marginalized in our society from voting.

**Greg Gerritt**

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**Response from Paul Caranci, Deputy Secretary of State**

**June 20, 2007**

**Mr. Greg Gerritt**

**gerritt@mindspring .com**

**Dear Mr. Gerritt:**

I first of all want to thank you for taking the time to attend the Voters First Public Hearing on Monday evening June 18th and for your very thoughtful comments made both during the meeting and in your follow-up correspondence. Pursuant to your requests, this response acknowledges receipt of your comments. Your comments will be forwarded to the Commission members at the upcoming public workshop of the Commissioners. The Commission also appreciates the fact that you kept your comments brief at the hearing so as to provide all the others who wanted to speak an opportunity to do so.

**The hearing didn't adjourn until 10:00 P.M. and the Commissioners were delighted with the public participation.**

**I will attempt to address each of your points in the order in which you present them.**

**Bi-partisan appointments to the Advisory Board - Appointments were made to this Commission based upon the expertise that people might be able to bring to the Commission. The appointments were made without regard to partisanship. Secretary Mollis noted at the hearing that he misspoke when he said bi-partisan. He should have, in fact, said non-partisan. Excepting those who hold public office, the Secretary is not even aware of the political persuasion of the other members. He did not ask them and he does not consider it pertinent. I believe Commissioner Harris and others can probably confirm that point. Having said that, I can also say that while it is true that most Rhode Islanders are registered as "unaffiliated," it is probably fallacious to think that the reason is because they belong to some third party. It is more likely that they simply want to keep their options open regarding which primary election they will participate in. Statistics bare this out when results are studied from elections that have a Democrat, a Republican, and a third party candidate. Typically, the third party candidate receives far less votes than either of the two major party candidate.**

**Inclusion of representatives from other groups on the Commission  
When the concept of a Voters First Advisory Commission was being discussed, we identified several "stakeholders" in the election**

**process whose voices need to be heard in order to properly address the issue of election reform. These people included representatives from:**

- 1. The AARP**
- 2. The Latino Political Action Committee**
- 3. The Black Political Action Committee**
- 4. The NAACP - Providence and Newport Chapters**
- 5. The RI League of Woman Voters**
- 6. Common Cause of RI**
- 7. Operation Clean Government**
- 8. The ACLU**
- 9. The Governor's Commission on Disabilities**
- 10. The State Commission on Deaf and Hard of Hearing**
- 11. The Urban League**
- 12. The RI Association of Town Clerks**
- 13. The RI League of Cities and Towns**
- 14. The State Department of Higher Education**
- 15. The State Office of Veterans Affairs**
- 16. The State Department of Corrections**
- 17. The RI Department of Health**
- 18. Ocean State Action**
- 19. Rhode Islanders for Immigration Law Enforcement**
- 20. The RI General Assembly**
- 21. RI Developmental Disabilities Council**
- 22. IN-SIGHT**

**23. Ocean State Independent Living Center**

**24. Mental Health Center of RI**

**25. The Department of Motor Vehicles**

**These groups, and other individuals that could provide insight into the process would have all made important contributions to the Commission's work. It also would have given us a Commission comprised of over 35 members. As you can imagine, working with a Commission of this size would make scheduling, discussions, debates, consensus and other elements of a thoughtful commission very difficult. It was decided instead to work with a smaller group and seek the input of all the others. That is the purpose for the Commission scheduling 5 public hearings throughout the State. After each of the public hearings, workshops are held providing the Commissioners an opportunity to discuss the issues raised at each of the public hearings. You will notice that nowhere on the above list is there mention of political parties. That is intentional. The Commission seeks input of all people regardless of political affiliation. This also addresses the issue of Commissioner Harris. It is true that he came to the press conference and asked to serve on the Commission. It is untrue that he had to "bust in." The press conference was open to all and invitations were sent to groups that represent the disabled community. He asked for and received a seat on the Commission because of his tenacity. Adding one more member did not really impact the ability of the Commission to function by making its size unwieldy. However, the community he**

represents, and all the other communities of people you mention, will have their views represented by their appearance at public hearings or, in their absence, the appearance of individuals from groups that represent their interests. It is the goal of the Commission to listen to and consider the problems of our entire society regarding election issues.

Holes in representation will damage the Commission's credibility and taint its results - I don't believe this will be the case. As I mentioned, there are no "holes" in the Commission. Who sits at the table is of less importance than who has the opportunity to present their views. The Commission will listen and take into account every piece of testimony when confronting the difficult issue of election reform. I do agree with you that the Commissioners are "decent and caring people."

The Substance of the Report - You are absolutely right. The Commission's goal is to try to develop legislation that will make voting more inclusive and make it easier for Rhode Islander's to vote. It is also a goal to ensure the integrity of the electoral process by eliminating the names of dead people from the rolls, ensuring that each person votes only once and from the place in which they live, etc. To accomplish this objective it is important to examine all the issues relating to the electoral process. As Secretary Mollis said at the outset of the public hearing, the list presented represents a starting point of issues to be discussed. It is not all-inclusive and it is not reflective of the desires of the Commission. Secretary Mollis does not favor all of the 10 issues identified. The Commission members are

very divided on the issues as well. But the point of the Commission is not to develop a legislative reform package and then ask the public how it feels about it. The objective is to ask the public what they would like to see included as part of a legislative reform package.

The suggestion of doing away with the entire registration system - No suggestion is being ignored. The Commission's role at the public hearing is not to engage in a debate. The thoughts of any one Commissioner regarding any suggestion made at the hearings are not relevant. The hearing provides an opportunity to accept comments and gauge the pulse of the public regarding election reform. Please don't interpret the lack of response by the Commissioners as dismissal of what is being said.

Photo ID - I understand that you find the concept offensive. Some 85% of the general public seems to favor the concept. The goal of the Commission is to study the concept. The Commission will do that by listening to public testimony and examining best practices around the Country. This is the same study concept with which all issues before the Commission will be evaluated.

Polling hours - You note that the Commission is on track with the idea of opening polls for longer hours. Again, I want to caution you that the 10 identified items on the list are representative of the types of issues that the Commission wants to hear about. It is not an all-inclusive list and certainly does not indicate that the Commission members favor any one concept. You testified that you would like to see polls open longer. Others testified that they would like them to

close earlier. Some favored voting over several days including the weekend. Others want voting restricted to one day. You would like to see it become a holiday. Others feel that if it is declared a holiday some people may go on an extended vacation and miss voting altogether. The diversity of thought is exactly what the Commission needs to hear and evaluate. We appreciate all the comments received

Immigration and voting - The Commission is looking to improve the integrity of the electoral process. How immigrants fit into that process is something that will be the subject of much debate. It may or may not fall within the focus of this Commission however. Certainly the discussion of violence that you bring up does not.

I trust that this response adequately addresses all your points. I again want to thank you for taking the time to prepare such thoughtful and thought provoking comments. I assure you that your comments will be considered by the full Commission, and like you, hope that the end result of the Commission's work will be a better election process for Rhode Island.

Sincerely,

Paul Caranci

Deputy Secretary of State

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Ocean State Action Testimony Voting Commission — Providence  
Forum 6.18.07

Ocean State Action is a coalition of community and environmental

organizations, professional organizations and labor unions fighting for social justice. We are here today to provide some input on our experience over the past election cycle working with infrequent voters, comment on some of the proposals this committee is tasked with addressing, and offer areas where we think the most consensus could be built to truly break down barriers to voting in Rhode Island.

### **Voice Your Vote and Voter Action Project**

During the 2006 election season, Ocean State Action worked with more than 40 organizations to increase voter turnout across the state. Through two voter engagement projects, Voice Your Vote and the Voter Action Project, volunteers and staff spoke to 55,000 new and occasional voters about the issues that were important to them.

Many of these 55,000 we spoke with two or three times. These weren't any voters - we sought out people who had never voted before or are infrequent voters. We're happy to report that our project was met with success. As you all well know, voter turnout increased 14% across the state, and was up in each of the communities where we worked. We will be working this summer to further analyze the results of those projects.

Time and again during these conversations, Rhode Islanders expressed concerns about whether their votes would matter. I remember one specific conversation I had with a young man who came up to a set of us in a park after a volunteer event and picnic. I'm pretty sure he was attracted by the possibility of free food, but he did ask me what we were up to. When I told him we were working to make sure that every Rhode Islander voted in November, he scoffed "like



they care what I think." After a couple of minutes of talking with him, it was really clear that what he cared about - being able to pay the bills, and making sure he could go to the doctor when he was sick - were issues that nearly every candidate running for office was also talking about. What we needed to do was reassure him that his vote - and voice - would make a difference.

It is imperative that as you move forward with these listening sessions that you understand it will be very unlikely to hear from these folks - infrequent voters who face many barriers to voting - because these folks are not heavily engaged in the civic process. We put out an incredible on the ground effort to convince these infrequent voters that they should be getting to the polls and voting. Unless this Commission puts forward a major door-to-door effort it is unlikely you will find a representative of this community at these listening sessions. I therefore urge you to listen closely to the organizers who have worked with these folks, as we will have the best connection to these people.

#### **Voter Identification - Caution and Concerns**

Many of the people we spoke to throughout our projects — young people, low-income people, homeless people, and the elderly - would be impacted by an identification requirement as has been proposed this year in the legislature and talked about at this table.

There are many reasons for this. Students, for example, may not have a driver's license from Rhode Island or may have a student ID that does not show their current Rhode Island address. In addition, many students live with large numbers of other students, and their name

may not be on each utility bill, or even the lease. Many students would be unable to provide the identification required by some proposals, and would not be able to vote.

I would urge this Commission to reach out to the RI Coalition for the Homeless to learn more about the special considerations that must be taken into account in order to ensure that the homeless' voting rights are protected.

For many other people, the issue is the cost of procuring the required identification. A recent study by Timothy Vercellotti and David Andersen from Rutgers University found that "as the level of proof becomes more costly to the voter, turnout declines." I have attached the abstract of this study to my testimony, and believe that the Commission already has a copy of the full study.

Any proposal that will have a negative impact on voter turnout must be considered very seriously. More pointedly any proposal that puts up barriers to voting, and results in a decrease in voter turnout in our state, is taking us in the wrong direction.

Furthermore, it is important to note that there are already measures in place in Rhode Island to determine identity of a voter when they register to vote. Each voter is required to provide either a drivers license number, or the last four digits of their social security number on their registration form. The Secretary of State and the Board of Elections use these numbers to verify the identity of the person registering to vote. If they are unable to verify their identity, that voter is required to provide identification once they make it to the polls on Election Day.

**My final point on voter identification is that we need to know that the solution fits the problem. Since Secretary Mollis took office, we have been urging your office to do a thorough study of voter fraud, and whether voter identification will actually solve a real problem or if we are buying into a dangerous conspiracy theory around voter fraud. Jumping to a conclusion that voter ID is necessary - when we know it will disenfranchise people - would be tragic if we do not thoroughly understand the problem. In addition, it is unclear whether issuing a voter ID would actually solve a theoretical voter fraud problem. If someone is gutsy enough to pose as another individual when voting, what's stopping them from falsifying documents or a low-cost voter identification card in order to continue their deception?**

**To this end I want to turn my attention to some of the proposals that may have more room for consensus-building, may not be as controversial or problematic as voter ID, and may be a better place for this commission to start.**

### **Voter Engagement Platform**

**Any of you who have been involved in a close or even a near-close race truly understands just how much each vote matters. We need to make sure Rhode Islanders are confident that when they take that step to get engaged and vote, they will be able to cast a ballot and will have it counted.**

**To this end, a wide range of organizations and elected officials have come together - even across party lines and contested races - to call for a Voter Rights Platform with five common-sense steps to protect voters' rights. This Voter Rights Platform is part of this testimony.**

**Please take a look at the wide range of organizations and constituency bases represented by this list. I have also included in your packets copies of the Providence Journal article outlining the event held to introduce legislation that would address each of these platform points. You'll see quotes from the five candidates involved in the recount lawsuits who support this legislation. I recommend that this Commission actively seek out the opinions of these candidates as part of your outreach efforts.**

**We urge this committee to take a very close look at these suggestions. It is important to note that these points will not break down all the barriers to voting - in fact we consider these very small steps in the right direction. However, they are important steps and I'd be willing to speak more with the committee about these proposals as you move along in the process.**

### **Platform Planks for Progress**

**We have looked at your ten platform planks, and recognize that there are areas that may not be as controversial as voter ID and may be a much better place to start to look at voting reform if your goal is really to break down barriers to voting.**

**The first area that seems to make even more sense than voter ID at combating some of the barriers to voting, is taking a close look at cleaning up the voter rolls. In fact, we believe that if it can be proven that voter fraud is a problem, then spending your effort in this area will make more progress in preventing this problem with fewer casualties of disenfranchised voters.**

**The Providence Journal investigated many of the issues related to the voter rolls in the past year, and our experience on the ground showed that the lists organizations were using with enhanced change of address data were often much more up to date than the state voter file. We understand this is a complicated procedure, but I have heard other organizations that have looked at this solution and even have models that could help you shape this work. There may be best practices from other states that this commission could turn to in order to ensure the quality and security of our voter rolls.**

**The second area that could move us in the direction of truly breaking down barriers to voting and not erecting more is the proposal to look at early voting. While our coalition organizations have not yet closely studied this option, but initially are amenable to it, I do have personal experience working within this early voting structure. During the 2004 election, I worked on a presidential campaign effort in Las Vegas, Nevada, where voting is available for up to two weeks before Election Day. This was particularly helpful when we were working with voters who have a harder time getting to the polls - such as the elderly, young families, and students.**

**Due to the staunch opposition that many experienced organizations have loudly expressed to the proposals around voter ID, we urge this Commission to look for proposals where actual consensus could be built. Voter ID is no such proposal.**

**While we have registered our concern about the initial process of this Commission, and are weary about the motivation behind this effort, we do look forward to answering any questions this Commission may**

have.

## **2007 Voter Rights Platform: Removing Barriers to Voting**

**During the 2006 election season, 42 organizations came together to engage Rhode Islanders on real issues and worked to increase voter turnout across the state. Through these two projects, Voice Your Vote and the Voter Action Project, volunteers and staff spoke to 55,000 Rhode Islanders about the issues that were important to them.**

**The experience of this voter engagement work underscored the importance of removing any and all remaining barriers to voting. All Rhode Islanders who are eligible to vote should be able to cast their ballot and have it counted.**

**To this end, Ocean State Action and the RJ ACLU, supported by the organizations below, have come together to call for a Voter Rights Platform with five common-sense steps to protect voters rights. While these will not remove all of the barriers voters may experience when attempting to participate in our democracy, they are a step in the right direction to eliminating some obstacles.**

**1. Make sure that every ballot cast is counted, including ballots rejected by a voting machine as well as mail and provisional ballots. In addition, candidates should be allowed to see the ballots that are subject to a recount. Some voters in Rhode Island question whether their vote will make a difference - when the races are so close they are decided by a handful of votes it's critical the process provides for a clear and open resolution.**

**2. Improve the provisional ballot process through two main**

**changes: first, allow verified provisional ballots to be counted in appropriate state and local races as well as federal, and second, allow voters who must cast provisional ballots to verify their eligibility to vote within a reasonable time frame of days, not hours. Rhode Island currently requires voters to provide identification by 9pm the evening of the election - essentially undermining the point of providing a provisional ballot in the first place.**

**3. Require timely notification of voters required to show a form of identification at the polls. During this past election, more than 6,000 voters were notified that they would need to show identification at the polls because they did not provide adequate information when they registered to vote. Because it can often be difficult for some voters to produce the necessary information required - students and the homeless for example - it is important they are reminded close to Election Day so they can prepared.**

**4. Allow non-partisan poll observers in all polling places. While poll observers are allowed in most polling places in the state, state law does not currently reflect this practice. As advised by the Board of Elections, this right should be ensured to continue in the future.**

**5. Ensure that the Board of Elections adheres to an open and public process when setting elections rules. The Board of Elections should be required to abide by the Administrative Procedures Act in order to allow the public to comment and provide input on proposed regulations and rules changes.**

**Amos House • Council 94 AFSCME • Family Life Center • Jobs With Justice • Local 400 International Federation of Professional Technical**

**Engineers • Marriage Equality of RI \***

**National Educational Association of RI • Ocean State Action • Rhode Island ACLU • RI**

**Protecting the franchise, or restricting it? The effects of voter identification requirements on turnout<sup>1</sup>**

**Timothy Vercellotti Rutgers University**

**David Andersen Rutgers University**

**Abstract**

**The literature on procedural barriers to voting has focused on registration deadlines, hours of poll operations, and even the physical characteristics of polling places to explain why voters do or do not show up on Election Day. Less is known, however, about the effects of voter identification requirements on turnout. These requirements have taken on heightened importance since the presidential election of 2000, with many states tightening their requirements to combat vote fraud since then. Forty-one states now require proof ranging from voter signatures to photo identification at the polling place. In this paper we examine the effects of these varying requirements on voter turnout. Drawing on previous research, we hypothesize that as the level of proof becomes more costly to the voter, turnout declines. We test our hypotheses using aggregate measures of turnout at the state and county levels in the 2004 presidential election, as well as individual-level data drawn from the Voter Supplement to the November 2004 Current Population Survey. This research has significant normative importance, in that it**



**speaks to the difficulty of balancing the potentially competing aims of election integrity and access to voting.**

**1 Paper prepared for presentation at the 2006 annual meeting of the American Political Science Association, Philadelphia, PA, Aug. 31 - Sept. 3. 2006. The authors would like to thank the following for helpful comments on earlier drafts of the paper: R. Michael Alvarez, Adam Berinsky, Edward B. Foley, Martha Kropf, Jan E. Leighley, Jonathan Nagler, Thomas M. O'Neill, Timothy G. O'Rourke, Ingrid Reed. Daniel P. Tokaji, and John Weingart. Address**

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## **PROVIDENCE JOURNAL ARTICLE**

**Bill would allow public to see rejected ballots**

**[All Edition]**

**The Providence Journal - Providence, R.I.**

**Author: Benjamin N. Gedan, Journal Staff Writer**

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**The proposal comes in the wake of two narrow election victories last**

fall in which a court ruled that ballots rejected by voting machines should be looked at.

**PROVIDENCE** - For a handful of candidates and many thousand voters, it was judges who had the final word in deciding last November's elections.

Disputes over how recounts should be handled resulted in a bitter legal struggle that pitted the state Board of Elections against candidates defeated by agonizingly small margins. Inaugurations were repeatedly delayed as a legion of lawyers petitioned a Superior Court judge, and later the state Supreme Court, to intervene.

The issue subsided abruptly when the final candidate conceded, silencing the debate and leaving many critical issues unresolved.

But yesterday, several of those candidates sought to resurrect the discussion, hoping to bolster newly filed legislation that they say will prevent similar electoral controversies.

"This bill is about all of us, not just the candidates," said Republican Allan W. Fung, who lost the Cranston mayoral race by 79 votes out of 32,000 votes cast. "Voting is the greatest privilege an American can have."

The legislation, unveiled yesterday by Sen. Paul E. Moura, D- East Providence, and Rep. Edith H. Ajello, D-Providence, seeks to codify and expand the voting rights granted last year by now- retired Superior Court Judge Stephen J. Fortunato Jr.

In his rulings, upheld by the Supreme Court, Fortunato rejected several Board of Elections regulations, including the denial of public access to election ballots. The legislation would require that election

officials make ballots available for "inspection and copying by any person."

The bill would also compel the Board of Elections to manually review any ballot that does not register a vote when inserted in the optical scanning machines, a procedure election officials had vigorously opposed during court hearings.

Under the proposed law, board members would be asked to scrutinize rejected ballots during recounts to determine whether a voter's intent could be discerned. In the past, election officials would discard a ballot that had been rejected by the machine, although a voter clearly circled his selections rather than completing the segmented arrow pointing to a candidate's name.

"We do not and cannot let machines alone decide hotly contested elections for us," Ajello said at a news conference yesterday at the Old State House on Benefit Street. "I have every hope this will pass this year."

House Speaker William J. Murphy and Senate President Joseph A. Montalbano have not yet reviewed the bill, filed last Thursday, their spokesmen said.

Though Moura took pains not to criticize the Board of Elections, it did not appear that the board had endorsed the legislation.

The board did not assist in drafting the bill and board members did not attend yesterday's announcement. Robert Kando, the board's executive director, was not available for comment. But in an interview, the board's acting chairman, Thomas V. Iannitti Sr.,

cautioned lawmakers against authorizing manual reviews to second-guess the Optech scanners.

"It would be la Florida and the hanging chads situation," Iannitti said. "Why leave it up to chance?"

Rhode Island was considered progressive when it installed the Optech scanners a decade ago, long before the 2002 Help America Vote Act prompted the gradual retirement of lever machines across the country.

But the federal legislation did not mandate a paper ballot or require public access to ballots, and last year's electoral controversies drew criticism from voting-rights advocates who said the state's election policies have not kept pace with its technological advancement.

Many states have been debating bills that would expand access to paper ballots, according to Kay Stimson, spokeswoman for the National Association of Secretaries of States. "It's a fairly common conversation going on," she said yesterday.

"It's a trend across the country," said Doug Chapin, director of Electionline.org, a nonprofit organization that tracks election reform. "Even where machines are used, there's starting to be some kind of post-election manual component" in recounts and in routine audits scrutinizing the accuracy of the machines.

As in Rhode Island, Minnesota relies on optical scanners on Election Day. But afterward, all recounts require a manual review of every ballot and a determination of voter intent on those marked improperly.

**An informal survey last summer in Rhode Island found deep skepticism about the fairness of elections. The group Ocean State Action interviewed more than 50,000 voters in the state and heard many concerns about whether votes were being counted correctly, according to Meghan Purvis, the group's policy director. The concern was particularly prevalent among low-income and minority voters.**

**"They don't trust that the system is working for them," said Purvis, whose organization helped draft the voting-rights bill. "It's very pervasive."**

**The Rhode Island Affiliate of the American Civil Liberties Union also helped draft the legislation. Though it does not address every voting-rights concern, it will resolve much of the confusion that bedeviled the recent recounts, said Steven Brown, executive director of the local ACLU branch.**

**"This bill will try to ensure that people's votes really count," Brown said.**

**In addition to granting access to ballots and mandating manual reviews of ballots rejected during recounts, the bill would also expand the scope of recounts.**

**Under the legislation, mail-in ballots and provisional ballots would also be recounted for the first time.**

**The bill would increase to 48 hours the period in which a voter can submit proper identification. In the last election, voters who could not produce identification on Election Day were disqualified.**

**The bill would also alter the handling of provisional ballots cast by registered voters who vote in the wrong precinct. Instead of counting**

those ballots only toward federal offices, election officials would be instructed to tabulate votes for citywide and statewide positions as well.

"We believe this is a good government bill," said former East Providence Mayor Joseph Larisa Jr., who also attended yesterday's news conference. Larisa missed reelection by 16 votes. Last November, he said, "the process took too long because we had to fight the Board of Elections."

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2006 Election: RI Senate 5 Results

VOTES BY NAME		STRAIGHT TICKET	TOTAL
VOTES			
BERRILLO (Republican)	89	184	273
JABOUR (Democrat)	1156	1994	3150
TOSTE (Green)	1469	0	1469

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